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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,634	08/01/2001	Yoon-Hyoung Cho	247/033	3246
7590		09/23/2004	EXAMINER	
Lee & STERBA, P.C.		PATEL, ASHOK		
Suite 2000		ART UNIT		
1101 Wilson Boulevard		PAPER NUMBER		
Arlington, VA 22209		2879		

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/918,634

Applicant(s)

CHO ET AL.

Examiner

Ashok Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. Applicant's arguments filed 09/13/2004 have been fully considered but they are not persuasive.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kawamura et al ('321, of record).

Kawamura et al disclose applicant's claimed CRT (see Figures 1, 2) including a flat panel (1), a funnel having a neck and an opening, an electron gun (7), a deflection yoke (9), a shadow mask (6), wherein the panel includes a flatly configured outer (front) surface (11) and an inner surface (the surface that is adjacent to a phosphor layer 10) having a non-spherical, convexly curved configuration relative to the outer surface. Since Kawamura et al disclose the CRT including structure as claimed by applicant, Kawamura et al's CRT would would inherently satisfy applicant's claimed formula of  $Y1 \leq Y2$ , (wherein Y1 represents a vertical distance between the outer surface and a reflected screen image on a central axis of the

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panel, and Y2 represents a vertical distance between the outer surface and the refracted screen image in peripheral areas other than the central axis of the panel).

As to the newly added functional limitation "a glass having a transmission ratio of 60% or more", it is narrative in form and therefore does not carry any patentable weight. In order to be given patentable weight, a functional recitation must be expresses a "means" for performing the specified function, as set forth in 35 U.S.C. 6<sup>th</sup> paragraph, and must be supported by recitation in the claim of sufficient structure to warrant the presence of the functional language. In re fuller, 1929 C.D. 172: 388 O.G. 279.

Consequently, Kawamura anticipate applicant's claims 1 and 3.

4. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Makoto (JP '710, of record).

Makoto et al disclose applicant's claimed CRT (see all drawing Figures) including a flat panel, a funnel having a neck and an opening, an electron gun, a deflection yoke, a shadow mask, wherein the panel includes a flatly configured outer (front) surface (11) and an inner surface (2) having a non-spherical, convexly curved configuration relative to the outer surface which would inherently satisfying applicant's claimed

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formula of  $Y1 \leq Y2$ , wherein Y1 represents a vertical distance between the outer surface and a reflected screen image on a central axis of the panel, and Y2 represents a vertical distance between the outer surface and the refracted screen image in peripheral areas other than the central axis of the panel.

The newly added functional limitation "a glass having a transmission ratio of 60% or more", is again not given a patentable weight for reasons set forth in the previous paragraph.

5. Applicant has repeated same arguments, which was presented earlier on 06/29/2004. The Examiner has indicated in the previous office action (Advisory action, mailed on 08/11/2004) that applicant's arguments are not found persuasive.

Applicants argue that Kawamura et al (or Makoto) reference fails to provide a transmission ratio of 60% or more. This is not found persuasive. Since applicant's *claimed* structure is not distinguishable from that of Kawamura et al (or Makoto), i.e. since applicant's claimed structure is fully disclosed by Kawamura et al (or Makoto), the CRT of Kawamura et al (or Makoto) would inherently be able to provide a transmission ratio of 60% or more.

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6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.

  
Ashok Patel  
Primary Examiner  
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